

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARINA CALOVE,
Plaintiff,
vs.

STATE OF NEVADA; *et.al.*,
Defendants.

Case No. 2:16-cv-2953-RFB-VCF

ORDER

APPLICATION TO PROCEED *IN FORMA PAUPERIS*
(ECF No. 1)

Before the court are Calove's application to proceed *in forma pauperis* (ECF No. 1) and complaint (ECF No. 1-1). For the reasons stated below, Calove's *in forma pauperis* application is denied.

1. Calove Has Not Submitted a Proper *In Forma Pauperis* Petition

28 U.S.C. § 1915(a)(1) permits a plaintiff to bring a civil action "without prepayment of fees or security thereof" if the plaintiff submits a financial affidavit that demonstrates the plaintiff's "is unable to pay such fees or give security therefor."

Instead of completing a financial affidavit, Calove wrote "N/A" in each section and submitted six pages of argument and citations to irrelevant authorities. (ECF No. 1) In essence, Calove argues she is exempt from paying filing fees because she is a "sovereign person." (*Id.*) A court in the Ninth Circuit have rejected an identical argument. *Rice v. City of Boise City*, No. 1:13-cv-441-CWD, 2013 WL 6385657 at *2 (D. Id. Dec. 6, 2013) ("Plaintiff appears to be relying on a "sovereign citizen" theory to challenge the Court's filing fee, which has been unsuccessfully propounded by others.") Echoing this sentiment, the Ninth Circuit has long held that "sovereign citizen" arguments are without merit. *United States v. Studley*, 783 F.2d 934, 937 n. 3 (9th Cir. 1986) ("We note that this [sovereign citizen] argument

1 has been consistently and thoroughly rejected by every branch of the government for decades. Indeed,
2 advancement of such utterly meritless arguments is now the basis for serious sanctions imposed on civil
3 litigants who raise them.”) Calove has not provided this court with sufficient financial information for it
4 to determine whether she qualifies to proceed *in forma pauperis*. Because of this lack of information,
5 this court will afford Calove an opportunity to submit an affidavit with the appropriate financial
6 information.

7 ACCORDINGLY, and for good cause shown,

8 IT IS ORDERED that Calove’s application to proceed *in forma pauperis* (ECF No. 1) is DENIED.


9 IT IS FURTHER ORDERED that on or before January 27, 2017, Calove must file an affidavit
10 containing financial information sufficient for this court to determine whether she may proceed without
11 paying the filing fee or pay the \$400 filing fee. Failure to comply with this order may result in dismissal
12 of Calove’s complaint.

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14 **NOTICE**

15 Pursuant to Local Special Rule 2-2, the Plaintiff must immediately file written notification with
16 the court of any change of address. The notification must include proof of service upon each opposing
17 party or the party’s attorney. **Failure to comply with this Rule may result in dismissal of the action.**
18 *See* LSR 2-2.F

19 IT IS SO ORDERED.

20 DATED this 12th day of January, 2017.

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24 CAM FERENBACH
25 UNITED STATES MAGISTRATE JUDGE